

h

Notice of Allowability

Application No.

09/888,749

Examiner

Cheryl Juska

Applicant(s)

ROCKWELL ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed October 2, 2003.
2. ☒ The allowed claim(s) is/are 33-40.
3. ☒ The drawings filed on 25 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Cheryl Juska
Primary Examiner
Art Unit: 1771

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed October 2, 2003, has been entered. Claims 1-32 have been cancelled, while claims 33-40 have been amended as requested.
2. Said amendment renders moot the 112, 2nd rejections set forth in sections 1-4 of the last Office Action. Additionally, said rejection renders moot the prior art rejections set forth in sections 5-12 of the last Office Action.
3. Claims 33-40 were indicated as allowable in section 13 of the last Office Action. Said claims are still deemed allowable despite the recent amendments to the claims for the reasons set forth in section 13.
4. Additionally, an updated art search produced the following new art of record: US 6,582,816 issued to Rasnick, Jr. et al. and US 6,401,315 issued to Rasnick, Jr. et al.
5. Rasnick '315 discloses a process for making an air entangled yarn comprising the steps of forming two or more singles yarns of different colors, texturing said yarns, air entangling said yarns to form two or more air entangled singles yarns, and then further air entangling said two or more singles yarns into a final yarn that has the appearance of a space-dyed yarn for tufted carpets (abstract). Rasnick '315 fails to teach blending, by means of air entangling, yarns of different types, excluding color. In other words, the yarns of Rasnick '315 are made of like size (i.e., denier) filaments, as opposed to the present invention.

Art Unit: 1771

6. Rasnick '816 does teach blending yarns of different deniers into a single final air entangled yarn, which is suited for tufting carpets. In particular, Rasnick '816 discloses a process for making a yarn comprising the steps of forming yarns of standard carpet denier size, texturing and air entangling said yarns, and air entangling said carpet denier air entangled singles yarn with a finer denier textile singles yarn to form a final yarn (abstract). In one embodiment, the carpet denier singles yarn comprises 30 filaments of 20 denier to form a 600 denier singles yarn, while the textile denier singles yarn comprises 20 filaments of 10 denier to form a singles yarn of 200 denier. In other words, Rasnick '816 blends a conventional carpet yarn with a finer denier yarn. Thus, Rasnick '816 does not teach or fairly suggest the presently claimed method of making a yarn blend of a heavy monofilament singles yarn with a conventional carpet yarn (i.e., by texturing together 2-30 monofilaments of 100-500 denier per filament by mechanical texturing or air entanglement to form a monofilament singles yarn and air entangling said monofilament yarn with a singles yarn of 10-30 denier per filament conventional carpet yarn having a yarn denier of 600-5000.) Therefore, claims 33-40 are allowed.

Conclusion

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 1771

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



CHERYL A. JUSKA
PRIMARY EXAMINER

cj
December 9, 2003